In re Patent Application of
St ph n E. Frazier
Serial No. **09/923,764**
Filed **August 7, 2001**

Remarks

Applicant herein responds to the Examiner's concerns as expressed in the pending Office action.

The Pending Claims Are Definite Under §112

Independent claim 76 and its dependents, claims 78-79, have been cancelled without prejudice, accordingly, the Examiner's concerns with regards to these claims is now moot.

In paper 14, referenced by the Examiner in the currently pending action, the Examiner indicated that the meaning of the term "enhanced" in claim 64 is unclear. Applicant previously responded by pointing out where the meaning of this term is explained in the specification (lines 25-26 on page 2, lines 5-6 on page 3, lines 14-17 on page 8, and lines 20-24 on page 9). Applicant believes those skilled in the art will readily understand the term "enhanced" after reading those portions of the written specification, and in view of the language of amended claim 64. Applicant has tried to clarify in the language of this claim that the inventive product results from enhancement of previously activated carbon. That is, the process begins with activated carbon, which is then enhanced so that it adsorbs a greater quantity of chlorine from potable water than it would have previous to enhancement. This was explained in the application as filed, on page 9, lines 20-24, within Example 5, just below Table 5, as follows (emphasis added).

> The process of treating activated carbon with potassium iodide results in a *remarkable increase in the adsorptive affinity of activated carbon for chlorine in potable water.* This enhanced activated carbon maintains a high adsorption of chlorine for

> many brewing cycles. In contrast, plain activated carbon loses its adsorptive capacity after a single brewing cycle.

The inventor believes that he clearly conveys to the reader that the process begins with plain activated carbon, that is, carbon which has been previously activated. This plain activated carbon is then enhanced by Applicant's process, resulting in a novel and nonobvious enhanced activated carbon.

The Examiner has further expressed concern that there is no support for the temperature ranges claimed. Applicant has now amended the claim language to emphasize the enhancement of previously activated carbon, rather than refer to temperature ranges.

In paper 14, the Examiner objected regarding the use of the term "approximately." Applicant respectfully suggested that the term "approximately" is a common word in the English language, which has an ordinary meaning understood by all without an explanation being required in the written specification. Applicant also commented on the need to placing the public on notice that there is expected variability in any scientific measurement, thus the term "approximately" is appropriate. Applicant is hopeful that his response in that regard adequately addressed the Examiner's concerns, although the Examiner has not specifically commented on this aspect in the pending action.

For those reasons, Applicant believes the pending claims are definite, and respectfully requests that the Examiner withdraw the claim rejections under 35 USC §112.

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The Claims Are Not Obvious Over The Cited Reference

The Examiner has cited US Patent No. 5,288,306 to Aibe et al. as making the claims obvious. Previous comments by the Examiner using the Aibe et al. reference as support were focused on the claimed temperatures for drying. As noted above, Applicant has refocused the claim language to clarify that the enhanced activated carbon is a product different from plain activated carbon. The temperature ranges have been removed from the claims, thus making this issue moot.

Applicant believes that Aibe et al. do not teach a process of making enhanced granular activated carbon, but describe an invention which is a honeycomb layer requiring a certain thickness for effectively absorbing odors from the air (see column 5, lines 15-24). Thus, Aibe et al. provide no teaching and make no suggestion that plain granular activated carbon may be enhanced by Applicant's method. Accordingly, the cited reference to Aibe et al. fails to establish a *prima facie* case of obviousness against the pending claims, since the reference does not teach all the limitations found in the claims.

For those reasons, Applicant respectfully requests that the Examiner withdraw the obviousness rejection of the claims under 35 USC §103(a).

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Conclusion

Applicant, therefore, believes the claims are patentable, that the application is in condition for allowance, and respectfully requests such allowance.

If the further prosecution can be facilitated through a telephone conference between the Examiner and the undersigned, the Examiner is respectfully requested to telephone the undersigned at his convenience.

Respectfully submitted,

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CERTIFICATE OF FILING BY FACSIMILE

I hereby certify that this correspondence is being filed by facsimile transmission to the USPTO at its central fax number, 703-872-9306, on this 11th day of January, 2004.

Enrique G. Estévez